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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CHICAGO INSURANCE COMPANY, an Illinois  
Corporation,

Plaintiff,

v.

KUMMER KAEMPFER, BONNER, RENSHAW  
AND FERRARO, a Professional Corporation;  
VISTANA CONDOMINIUM OWNERS  
ASSOCIATION, INC., a Nevada Corporation;  
DOES I through V, and ROE COMPANIES I  
through V, inclusive,

Defendants.

Case No: 2:14-cv-00308-RFB-VCF

**STIPULATION AND ORDER TO  
EXTEND DATE FOR FILING OF  
RULE 26(f) DISCOVERY PLAN**

**(Fourth Request)**

WHEREAS Chicago Insurance Company ("Plaintiff") through its attorneys, Dennett Winspear, LLP and Lewis Brisbois Bisgaard & Smith, LLP, and Defendant Kummer Kaempfer Bonner Renshaw and Ferraro ("Defendant KKBRF") through its attorney, Santoro Whitmire, and Vistana Condominium Owners Association, Inc. ("Defendant Vistana") by and through its attorneys Gibbs, Giden, Locher, Turner, Senet, & Wittbrodt, LLP, had a Rule 26(f) conference by telephone.

1 WHEREAS the parties are to submit a stipulated discovery plan pursuant to Federal Rule  
2 of Civil Procedure 26(f).

3 WHEREAS Defendant KKBRF filed a Motion to Dismiss [Dkt. No. 14] on July 15, 2014;  
4 Plaintiff filed a Motion for Summary Judgment [Dkt. No. 17] and Combined Memorandum of  
5 Points and Authorities in Opposition to Motion to Dismiss and in Support of its Motion for  
6 Summary Judgment [Dkt. No. 18] on August 1, 2014; Defendant Vistana filed its Opposition to  
7 Motion for Summary Judgment [Dkt. No. 22] on August 25, 2014; Defendant KKBRF filed a  
8 Reply to Response to Motion to Dismiss [Dkt. No. 24], Response to Motion for Summary  
9 Judgment [Dkt. No. 25], and Countermotion for Summary Judgment [Dkt. No. 26] on August 25,  
10 2014. Plaintiff subsequently filed their opposition and reply [Dkt. No 35-36]. KKBRF submitted its  
11 reply [Dkt. No. 37] for their counter-motion.

12 WHEREAS additional pleadings were filed by KKBRF [Dkt. No. 40] on April 1, 2015,  
13 requesting supplemental briefing on the foregoing motion practice; which request for  
14 supplemental briefing was responded to by Plaintiff [Dkt. No. 41] on April 15, 2015; and whereas  
15 reply was filed by KKBRF [Dkt. No. 42] on April 27, 2015.

16 WHEREAS the Court's ruling on the various motions may negate the need for the parties  
17 to file a discovery plan consistent with Rule 26(f) as all claims for relief are at issue in the  
18 pending motions.

19 WHEREAS the Court has issued an Order [Dkt. No. 32] acknowledging that the results of  
20 motion practice may greatly simplify or obviate need for discovery, which Order granted a prior  
21 extension to file a discovery plan (which extension has lapsed) and granted these parties leave  
22 to request further extension.

23 WHEREAS the Court has issued additional subsequent Orders [Dkt. Nos. 39, 44] staying  
24 discovery and granting sequential extensions of the deadline for submission of a Rule 26(f) plan  
25 through August 17, 2015, which Orders expressly included provisions for the parties hereto to  
26 request additional extension of time in event that no ruling on the aforementioned pleadings has  
27 been forthcoming by that date.  
28

1 WHEREAS the parties understand that the Court must approve this stipulation pursuant  
2 to Local Rule 6-1 and Local Rule 7-1.

3 IT IS HEREBY STIPULATED by and between the parties, through their respective  
4 counsel, as follows:

5 1. The deadline to submit a discovery plan and exchange initial disclosures in  
6 accordance with Federal Rule of Civil Procedure and Local Rule 26-1 is hereby stayed/extended.

7 2. In the event the Court denies the various Motions, the parties shall submit a discovery  
8 plan in accordance with Federal Rule of Civil Procedure 26(f) and Local Rule 26-1 <sup>the earlier of</sup> ~~within thirty~~  
9 (30) days after the Court's ruling thereon, or December 16, 2015.

10 ~~3. If the Court is not inclined to adopt the proposal set forth in paragraph 2 above, the~~  
11 ~~parties request that the date for submitting a discovery plan be deferred, at a minimum, to~~  
12 ~~Monday, November 16, 2015, which is an approximate ninety (90) day extension. This extension~~  
13 ~~may mitigate the expenses that would be borne by the parties in discovery while the various~~  
14 ~~dispositive motions are under consideration.~~

15 DATED this 7th day of August, 2015

DATED this 7th day of August, 2015

16 **DENNETT WINSPEAR, LLP**

**SANTORO WHITMIRE**

17 By: /s/ Matthew A. Sarnoski, Esq.  
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**INSURANCE COMPANY**  
28



1 DATED this 7th day of August, 2015

2 **GIBBS, GIDEN, LOCHER, TURNER,**  
3 **SENET & WITTBRODT, LLP**

4 By: /s/ Richard E. Haskin, Esq.

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15 **Attorneys for Defendant, VISTANA**  
16 **CONDOMINIUM OWNERS ASSN.**

17  
18 IT IS SO ORDERED this 7<sup>th</sup> day of August, 2015.

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UNITED STATES MAGISTRATE JUDGE

